IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

LA.App..No. 892 of 2005()

LAR.12/2000 OF THE SUBORDINATE JUDGE'S COURT, THALASSERY

APPELLANT: RESPONDENT.

THE SPECIAL TAHSILDAR, (LA)
AIR PORT, KANNUR AT MATTANNUR.

BY ADDL.ADVOCATE GENERAL
BY GOVERNMENT PLEADER SRI.MANOJ KUMAR

RESPONDENT: CLAIMANT.

K.P.RAMESHAN, S/O.IMBICHI VYDIAR,
KUNNUMBRATH VEEDU, P.O.KARA PARAVOOR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 02/03/2007, ALONGWITH L.A.A.NO.916 OF 2005 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

L.A.A.NOS.892, 916, 920, 931, 934, 941, 963, 965, 971, 972, 977, 978, 980, 982, 985, 990, 1252, 1288, 1294, 1325, 1339, 1341, 1345, 1347, 1351, 1355, 1364, 1366, 1377, 1391, 1395, 1398, 1428, 1443, 1459 OF 2005, 51, 56, 58 & 66 OF 2006

Dated this the 2nd day of March, 2007

JUDGMENT

Kurian Joseph, J.

These appeals are at the instance of the acquisitioning authority. The acquisition is for the purpose of Kannur Airport. In the nature of the view we propose to take to remand these appeals, it is not necessary to refer to the various contentions taken by the parties, since in any case the parties will get sufficient opportunity before the Reference Court. The reason for remand is that there is no proper fixation of market value. In fixing the land value whether the Reference Court intended it as the market

value is not clear. Similarly, whether the value of improvements as noted in the judgment has been taken note of for the purpose of fixing the market value is also not clear. Therefore, we set aside the judgment and decree in all these cases and remit the cases to the Reference Court.

2. Learned counsel for the claimants submit that on an earlier occasion, this Court had remanded certain cases by judgment in L.A.A.No.556 of 2005 and on such remand, market value has been fixed at Rs.5,000/- per cent. It is for the parties to bring the same to the notice of the Reference Court in which case, the court below will look into that judgment also along with other evidence. The Reference Court will dispose of the matters within a period of six months from the date of receipt of a copy of this judgment. The amount already remitted before Reference Court and disbursed to the claimants will be duly adjusted in the process.

Parties will appear before the Reference Court on 3.4.2007.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/